IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1325 of 2007(G)

AGAINST THE ORDER IN EP . 207/2002 IN
OS.245/2001 of PRL.S.C.,THALASSERY

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PETITIONER:

KAYAKKAL SANTHA, D/O.LAKSHMI,
AGED 75 YEARS, RESIDING AT ALAKKAL HOUSE,
KUNNATH, CHALAD, KANNUR.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

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1. S B I, S I B BRANCH, KANNUR.

2. P.K. SUHAS, S/O.LATE KUNHIRAMAN,
PACHA HOUSE, CHALAD, KANNUR.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.1325 OF 2007

Dated 11th January 2007

J U D G M E N T

This petition is filed under Article 227 of Constitution of India for a direction to Sub court, Thalassery to dispose Ext.P4 application filed to restore the claim petition filed by petitioner which was dismissed for default. Grievance of petitioner was that as she was laid up she could not appear when the claim petition was posted for evidence and as a result the claim petition was dismissed and immediately she filed Ext.P4 application to restore it and it is not being disposed and execution petition is being proceeded with. Learned Sub Judge is directed to dispose Ext.P4 application. as expeditiously as possible. Though petitioner has sought further relief to quash Exts.P1 and P5 that relief cannot be granted in this petition.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.